

Response to Office Action Mailed May 15, 2004

U.S.S.N. 10/030,726 [filed June 04, 2002]

August 3, 2004

Page 2 of 3

Rejection under 35 U.S.C. § 112, first paragraph:

Claims 1-7 are rejected under 35 U.S.C. § 112, first paragraph. Examiner states that the best mode contemplated by the inventor as stated on page 10, lines 1-2 is not enabling absent the availability of the specific strain. Examiner further states that claims contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention with respect to microorganism strain availability in accordance with U.S. Rules of Practice.

Deposit has been made under the Budapest Treaty of the following microorganisms:

Microorganism	Accession No. given by the Int. Depository Authority	Date of Deposit
Micromonospora sp. IDR-P3	NCAIM(P) B 00 1268	Oct. 13, 1998
M. purpurca IDR-P4	NCAIM(P) B 00 1271	April 12, 1999
M. echinospora ssp. echinospora IDR-P5	NCAIM(P) B 00 1272	April 12, 1999
M. megalomicea ssp. nigra IDR-P6	NCAIM(P) B 00 1273	April 12, 1999
M. rosaria IDR-P7	NCAIM(P) B 00 1274	April 12, 1999

With this response to the Office Action, applicant attaches International Receipt in the Case of an Original Deposit issued pursuant to Rule 7.1 by the International Depository Authority in accord with 37 CFR 1.801 through 37 CFR 1.809.

Applicant submits that grounds for rejection by the Examiner have been overcome with submission of the attached receipts. Further, Applicant submits that all claims are now enabled.

Response to Office Action Mailed May 15, 2004

U.S.S.N. 10/030,726 [filed June 04, 2002]

August 3, 2004

Page 3 of 3

On this basis, it is further submitted that allowance of this application is proper, and favorable action is solicited.

No additional costs are believed to be due in connection with the filing of this Response. However, please charge any necessary fees to our Deposit Account No. 50-0943. If there are any questions, please call the undersigned at the telephone number indicated below.

Respectfully submitted,



\_\_\_\_\_  
Michael A. Steinberg, J.D., Ph.D.  
Registration No. 43,160  
Attorney for Applicants

IVAX Corporation  
4400 Biscayne Boulevard  
Miami, Florida 33137  
Tel.: (305) 575 6061  
Fax. (305) 575 6064

Date: August 3, 2004